

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STEVEN GRAY,

Petitioner,

v.

CASE NO. 05-CV-71608-DT

HON. GEORGE CARAM STEEH

SHERRY BURT,

Respondent.

ORDER DENYING CERTIFICATE OF APPEALABILITY

This Court denied Petitioner's application for writ of habeas corpus pursuant to 28 U.S.C. § 2254. In the event that Petitioner appeals this order, he must obtain a certificate of appealability. The Court may issue a certificate of appealability if the petitioner has made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2).

When the district court denies a habeas petition on procedural grounds without reaching the prisoner's underlying constitutional claim, a COA should issue when the prisoner shows, at least, that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.

Slack v. McDaniel, 529 U.S. 473, 484 (2000). This Court finds that Petitioner has not made a substantial showing of the denial of a federal right. Whether the doctrine of equitable tolling should be applied to Petitioner's habeas application is not reasonably debatable. Petitioner's procedural default therefore prevents him from addressing his constitutional claims. Therefore, the Court hereby finds that a certificate of appealability

is not warranted.

SO ORDERED.

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

Dated: June 5, 2006

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record on June 5, 2006, by electronic and/or ordinary mail.

S/Josephine Chaffee
Secretary/Deputy Clerk